

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEONDRE WALKER,)	
)	
Petitioner,)	4:07CV3208
)	
v.)	
)	
ROBERT HOUSTON,)	ORDER
)	
Respondent.)	
_____)	

Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, an application to proceed *in forma pauperis* (Filing No. 2), and a copy of his institutional trust account statement. After reviewing the statement, the Court finds that petitioner's average monthly income, as reflected in the trust account statement is \$8.85.

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. 28 U.S.C. § 1914(a). Pursuant to 28 U.S.C. § 1915(a)(1)-(2), and after considering the petitioner's financial status as shown in the records of this court, provisional leave to proceed *in forma pauperis* will be granted, *but* the petitioner must nevertheless pay the \$5.00 fee within sixty (60) days. If he does not, the petition may be dismissed for non-payment of the filing fee and for failure to comply with an order of the court.

IT IS ORDERED that the application to proceed in forma pauperis (Filing No. 2) is provisionally granted, *but* the petitioner shall pay the filing fee of \$5.00 within sixty (60) days of this date. Failure to do so, may result in dismissal of this case. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: November 5, 2007, deadline for payment of \$5.00 fee has passed.

DATED this 4th day of September, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court